

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of

Inventor:	Rahul MALIK et al.	Art Unit 2617
Appln. No.:	10/563,878	Exr. M. Sams
Filed:	January 9, 2006	Conf. No. 7288
For:	ACCESS POINT IN A WIRELESS NETWORK MEDIUM ACCESS CONTROL SYSTEM	

SUMMARY OF SUBSTANCE OF TELEPHONE INTERVIEWS

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

The Applicants wish to thank the Examiners for the courtesy shown to their attorney during telephone interviews conducted on October 12, 2010 and October 13, 2010.

The participants on the telephone interview of October 12, 2010 were Examiner Sams and Douglas Agopsowicz, Reg. No. 56,792, and the participants on the telephone interview of October 13, 2010 were SPE Kincaid and Douglas Agopsowicz.

Entry of the Amendment under 37 CFR 1.116 filed September 23, 2010 is deemed to be warranted given that the claims were amended to incorporate changes which the Examiner had previously indicated as presenting allowable subject matter.

The following includes a summary of the substance of the interviews.

Agreement was reached.

During the interviews, the discussion focused on the Advisory Action mailed on October 7, 2010, which indicated that an “updated search” (and therefore, a Request for Continued Examination) would be required before allowing the claims.

The Applicants’ representative stated that, in the Amendment filed on September 23, 2010, pending claim 33 was amended to be identical to the Examiner’s proposed claim 33 transmitted from the Examiner to the undersigned on approximately June 15, 2010, to patentably distinguish over the combination of Adachi (US 6,983,167) and Gurbez (7,301,024) and place the application in condition for allowance.

Thus, the Applicants’ representative noted that, since the Applicants accepted the Examiner’s proposed amended claims, it was improper for the Examiner to issue an Advisory Action, which would require the filing of a Request for Continued Examination, simply to perform a pre-allowance search.

The Applicants’ representative noted that RCEs are not required for pre-allowance searches, and that this rule applies in this case.

SPE Kincaid agreed with the Applicants’ representative, and noted that the Advisory Action would be withdrawn and an Office communication would be issued shortly.

On October 18, 2010, a follow-up call was placed to the Examiner, requesting a status update on the Office communication. On the October 18, 2010 conversation, the Examiner indicated that an Office communication would be issued by October 20, 2010, but no such Office communication was received by the Applicants’ representative.

In view of the above, it is submitted that this application is in condition for allowance and a notice to that effect is respectfully solicited.

If any issues remain which may best be resolved through a telephone communication, the Examiner is requested to telephone the undersigned at the local Washington, D.C. telephone number listed below.

Respectfully submitted,

/James Edward Ledbetter/

Date: October 22, 2010  
JEL/DEA/att  
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